



Substitute Senate Bill No. 623

Public Act No. 06-129

***AN ACT CONCERNING THE RECOMMENDATIONS OF THE
DISABLED AND DISADVANTAGED EMPLOYMENT SECURITY
POLICY GROUP.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective October 1, 2006*) For the purposes of this section and sections 2 to 4, inclusive, of this act:

(1) "Person with a disability" means any individual with a disability, excluding blindness, as such term is applied by the Department of Mental Health and Addiction Services, the Department of Mental Retardation, the Bureau of Rehabilitation Services within the Department of Social Services or the Veterans' Administration and who is certified by the Bureau of Rehabilitation Services within the Department of Social Services as qualified to participate in a qualified partnership, as described in section 3 of this act;

(2) "Vocational rehabilitation service" means any goods and services necessary to render a person with a disability employable, in accordance with Title I of the Rehabilitation Act of 1973, 29 USC 701 et seq., as amended from time to time;

(3) "Community rehabilitation program" means any entity or individual that provides directly for or facilitates the provision of

Substitute Senate Bill No. 623

vocational rehabilitation services to, or provides services in connection with, the recruiting, hiring or managing of the employment of persons with disabilities based on an individualized plan and budget for each worker with a disability;

(4) "Commercial janitorial contractor" means any for-profit proprietorship, partnership, joint venture, corporation, limited liability company, trust, association or other privately owned entity that employs persons to perform janitorial work, and that enters into contracts to provide janitorial services;

(5) "Janitorial work" means work performed in connection with the care or maintenance of buildings, including, but not limited to, work customarily performed by cleaners, porters, janitors and handypersons;

(6) "Janitorial contract" means a contract or subcontract to perform janitorial work for a department or agency of the state; and

(7) "Person with a disadvantage" means any individual who is determined by the Labor Department, or its designee, to be eligible for employment services in accordance with the Workforce Investment Act or whose verified individual gross annual income during the previous calendar year was not greater than two hundred per cent of the federal poverty level for a family of four.

Sec. 2. (NEW) (*Effective October 1, 2006*) (a) The Commissioner of Administrative Services shall establish a pilot program, for a term of four years, to create and expand janitorial work job opportunities for persons with a disability and persons with a disadvantage. Such pilot program shall consist of four identified projects for janitorial work. The program shall create a minimum of sixty full-time jobs or sixty full-time equivalents at standard wages for persons with disabilities and persons with disadvantages and have a total market value for all

Substitute Senate Bill No. 623

janitorial contracts awarded under the program of at least three million dollars. In establishing such pilot program, the Commissioner of Administrative Services may consult with the Commissioner of Social Services and the Labor Commissioner.

(b) Notwithstanding any other provision of the general statutes, under such pilot program, the Commissioner of Administrative Services shall award four janitorial contracts, one for each identified project, pursuant to the following procedures: (1) Upon receipt of a request for janitorial services by an agency or department of the state, the Commissioner of Administrative Services shall notify each qualified partnership, as described in section 3 of this act, of such request and invite each qualified partnership in good standing to submit a bid proposal for such janitorial contract to the commissioner in a manner and form as prescribed by the commissioner; (2) in the event that only one such qualified partnership submits a bid for such janitorial contract, the commissioner shall award such contract to the bidding qualified partnership, provided such bid does not exceed the fair market value for such contract, as determined by the commissioner; (3) if more than one qualified partnership submits a bid, the commissioner shall award the contract to the lowest responsible qualified bidder, as defined in section 4a-59 of the general statutes; and (4) in the event that a qualified partnership does not submit a bid or is not awarded such contract, the commissioner shall award such contract in accordance with the provisions of sections 4a-59 and 17b-656 of the general statutes, as amended by this act.

(c) Notwithstanding any other provision of the general statutes, the responsibilities of the Commissioner of Administrative Services, as established in subsections (a) and (b) of this section, may not be delegated to an outside vendor.

(d) The Commissioner of Administrative Services may adopt regulations, in accordance with the provisions of chapter 54 of the

Substitute Senate Bill No. 623

general statutes, to undertake the requirements established in this section.

Sec. 3. (NEW) (*Effective October 1, 2006*) (a) The Connecticut Community Providers Association shall designate a commercial janitorial contractor and a community rehabilitation program as a "qualified partnership" whenever the following criteria have been established: (1) Such commercial janitorial contractor has entered into a binding agreement with such community rehabilitation program in which such contractor agrees to fill not less than one-third of the jobs from a successful bid for a janitorial contract under the pilot program established in section 2 of this act with persons with disabilities and not less than one-third of such jobs with persons with a disadvantage; (2) such contractor employs not less than two hundred persons who perform janitorial work in the state; and (3) such contractor certifies, in writing, that it will pay the standard wage to employees, including persons with disabilities, under such janitorial contract. Any partnership between a commercial janitorial contractor and a community rehabilitation program that has been denied designation as a qualified partnership may appeal such denial, in writing, to the Commissioner of Administrative Services and said commissioner may, after review of such appeal, designate such program as a qualified partnership.

(b) The requirement established in subsection (a) of this section to fill not less than one-third of the jobs from a successful bid for a janitorial contract with persons with disabilities and one-third with persons with a disadvantage shall be met whenever such janitorial contractor employs the requisite number of persons with disabilities and persons with a disadvantage throughout the entirety of its operations in the state provided any persons with disabilities employed by such janitorial contractor prior to the commencement date of any such contract shall not be counted for the purpose of

Substitute Senate Bill No. 623

determining the number of persons with disabilities employed by such janitorial contractor.

(c) The number of persons with disabilities and the number of persons with a disadvantage that such janitorial contractor is required to employ pursuant to the provisions of subsection (a) of this section shall be employed not later than six months after the commencement of janitorial work under the terms of any contract awarded pursuant to the provisions of section 2 of this act, provided such contractor shall fill any vacancy for janitorial work that arises during the first six months of any such contract with persons with disabilities and persons with disadvantages.

(d) The Connecticut Community Providers Association shall develop an application process and submit a list of employees who have applied to participate in a partnership to the Bureau of Rehabilitation Services for certification. Such association shall maintain a list of certified employees who are persons with disabilities and community rehabilitation programs.

(e) Any qualified partnership awarded a janitorial contract pursuant to the provisions of section 2 of this act, shall provide to the Connecticut Community Providers Association, not later than six months after the commencement date of such contract, a list of the persons with disabilities and persons with a disadvantage employed by such contractor that includes the date of hire and employment location for each such person. Such association shall certify to the Department of Administrative Services, in such manner and form as prescribed by the Commissioner of Administrative Services, that the requisite number of persons with disabilities for such contract continue to be employed by such contractor in positions equivalent to those created under such janitorial contract and have been integrated into the general workforce of such contractor.

Substitute Senate Bill No. 623

(f) Notwithstanding any other provision of the general statutes, the responsibilities of the Bureau of Rehabilitation Services, as established in this section, may not be delegated to an outside vendor.

(g) The Commissioner of Social Services may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to undertake the certification requirements established pursuant to this section.

(h) Notwithstanding the provisions of subsection (a) of this section, the Commissioner of Administrative Services shall authorize certified small and minority business to participate in such pilot program.

Sec. 4. (NEW) (*Effective October 1, 2006*) (a) During the term of the pilot program described in section 2 of this act, the joint standing committee of the General Assembly having cognizance of matters relating to government administration shall study the effectiveness of such pilot program, including, but not limited to, the effectiveness of such program to create integrated work settings for persons with disabilities. Additionally, said committee shall study the need to make such pilot program permanent and ways to provide incentives for municipalities and businesses to utilize such pilot program if such program is determined by the committee to be effective.

(b) During the term of the pilot program described in section 2 of this act, any contract awarded pursuant to section 17b-656 of the general statutes, as amended by this act, shall remain in effect with no changes in the formula for fair market value. Additionally, any new janitorial contract awarded pursuant to section 17b-656 of the general statutes, as amended by this act, shall be limited to not more than four full-time employees per contract.

(c) Any person employed under a janitorial contract let: (1) On or before October 1, 2006, or thereafter if such contract constitutes a

Substitute Senate Bill No. 623

successor contract to such janitorial contract let on or before October 1, 2006, and (2) pursuant to section 4a-57 or 10a-151b of the 2006 supplement to the general statutes, or by the judicial or legislative departments or pursuant to section 2 of this act shall have the same rights conferred upon an employee by section 31-57g of the general statutes, as amended by this act, for the duration of the pilot program described in section 2 of this act. The provisions of this subsection shall not apply to any new janitorial contract with not more than four full-time employees per contract, as described in subsection (b) of this section.

Sec. 5. Section 17b-656 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

Whenever any products made or manufactured by or services provided by persons with disabilities through community rehabilitation programs described in subsection (b) of section 17b-655 or in any workshop established, operated or funded by nonprofit and nonsectarian organizations for the purpose of providing persons with disabilities training and employment suited to their abilities meet the requirements of any department, institution or agency supported in whole or in part by the state as to quantity, quality and price such products shall have preference over products or services from other providers, except (1) articles produced or manufactured by blind persons under the direction or supervision of the Board of Education and Services for the Blind as provided in section 10-298a, as amended, (2) articles produced or manufactured by Department of Correction industries as provided in section 18-88, and (3) emergency purchases made under section 4-98, and (4) janitorial services provided by a qualified partnership, pursuant to the provisions of section 2 of this act. All departments, institutions and agencies supported in whole or in part by the state shall purchase such articles made or manufactured and services provided by persons with disabilities from the Bureau of

Substitute Senate Bill No. 623

Rehabilitation Services of the Department of Social Services. Any political subdivision of the state may purchase such articles and services through the Bureau of Rehabilitation Services of the Department of Social Services. A list describing styles, designs, sizes and varieties of all such articles made by persons with disabilities and describing all available services provided by such persons shall be prepared by the Connecticut [Association of Rehabilitation Facilities] Community Providers Association. The Bureau of Rehabilitation Services of the Department of Social Services shall cooperate with the State Board of Education and Services for the Blind by submitting necessary information concerning such products and services to the Board of Education and Services for the Blind at frequent intervals.

Sec. 6. Section 4a-57 of the general statutes is amended by adding subsection (f) as follows (*Effective October 1, 2006*):

(NEW) (f) Nothing in this section shall be construed to apply to the award of janitorial contracts pursuant to the provisions of section 2 of this act.

Sec. 7. Section 4a-60g of the general statutes is amended by adding subsection (p) as follows (*Effective October 1, 2006*):

(NEW) (p) Nothing in this section shall be construed to apply to the four janitorial contracts awarded pursuant to section 2 of this act.

Sec. 8. Subsection (c) of section 31-57g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(c) (1) An employee displaced or terminated in violation of this section, or such employee's collective bargaining representative, may bring an action in Superior Court against the awarding authority, the terminated contractor or the successor contractor, jointly or severally, to recover damages for any violation of the obligations imposed under

Substitute Senate Bill No. 623

this section.

(2) If the employee prevails in such action, the court may award the employee (A) back pay, including the value of benefits, for each day during which the violation continues, that shall be calculated at a rate of compensation not less than the higher of (i) the average regular rate of pay received by the employee during the last year of employment in the same job occupation classification, or, if the employee has been employed for less than one year, the average rate of pay for the employee's entire employment multiplied by the average number of hours worked per day over the last four months of employment preceding the date of the violation, or (ii) the final regular rate of pay received by the employee at the date of termination multiplied by the average number of hours worked per day over the last four months, and (B) reinstatement to the employee's former position at not less than the most recent rate of compensation received by the employee, including the value of any benefits.

(3) If the employee prevails in such action, the court shall award the employee reasonable attorney fees and costs.

(4) Nothing in this subsection shall be construed to limit an employee's right to bring a common law cause of action for wrongful termination against the awarding authority, the terminated contractor or the successor contractor.

Approved June 2, 2006